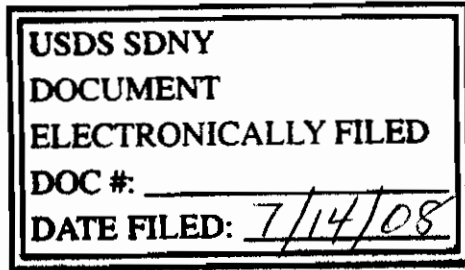


THOMAS DANIELS, : 08 Civ. 5567 (DAB) (JCF)
:
Petitioner, : O R D E R
:
- against - :
:
SUPERINTENDENT WILLIAM BROWN, :
Eastern Correctional Facility, :
:
Respondent. :
- - - - - :
JAMES C. FRANCIS IV :
UNITED STATES MAGISTRATE JUDGE



This case having been referred by the Honorable Deborah A. Batts, U.S.D.J., and the Court having examined the petition in this action pursuant to 28 U.S.C. § 2254, and the Court having concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, it is

ORDERED, pursuant to Rule 4, that the respondent file the transcript of the state court proceedings and an answer or other pleading to the petition raising all available defenses no later than September 15, 2008; and it is further

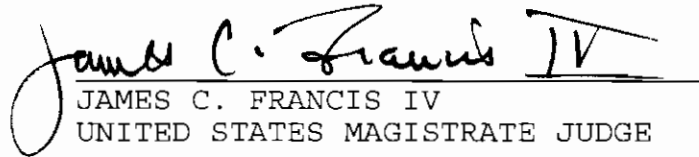
ORDERED that the petitioner file any reply papers no later than October 15, 2008; and it is further

ORDERED, pursuant to Rule 4, that the Clerk of the Court serve copies of this Order, of the petition, and of the form for Consent to Proceed Before a United States Magistrate Judge by certified mail upon the Attorney General for the State of New York and the New York County District Attorney; and it is further

ORDERED that by the date that the answer is filed, respondent

shall advise the undersigned whether the parties consent to refer this case to a United States Magistrate Judge for final disposition and, if so, shall return a fully executed copy of the enclosed consent form.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 14, 2008

Copies mailed this date:

Thomas Daniels
04-A-4394
Eastern Correctional Facility
Box 338
Institution Road
Napanoch, New York 12458